

5702-01051

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Remarks

Claims 1-6, 18, 27-29, and 32 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 18, 27, and 32 have therefore been amended responsive to the examiner's remarks.

Claims 7, 9-10, 13, 30, 31, 33, and 34 stand rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 3,972,545 to Kirchoff et al. Among other things, the examiner indicates that a filter of Kirchoff is defined by 22, 26, 28, 29, 30, and 32. Although the examiner argues that these structural features apparently in toto may be construed to be a filter, this is not what Kirchoff teaches or describes. Kirchoff clearly distinguishes between the functional differences between the filter 22, the pH neutralizer 26, and the cooling structure following the pH neutralizer. The drawings clearly illustrate the additional features of Kirchoff that are simply not part of the present invention. Furthermore, claim 5 of Kirchoff clearly indicates that the pH neutralizer exists between the filtering means and the cooling means. This claim is simply not permitted if the drawings do not in fact illustrate what is claimed. Accordingly, the examiner's construct of a filter that combines all of these structural features is not consistent with Kirchoff when that reference is considered in its entirety.

Contrary to the assertions of the examiner, it should also be clear that the pH neutralizer is not placed there for filtration, but for treatment of alkaline gases. As such, the powder 26 is actually expended and decomposes because of its reactivity with the gases. It does not function as a filter but rather as a reactant. It should further be noted that the envelope 25 is made of a plastic-film bag that would melt upon inflator actuation and heat exposure thereby destroying the integrity of the bed of powdered reactant. As a result, for the sake of argument only, the powdered reactant 26 would not function as a filter in an amorphous state once the plastic-film bag was destroyed. The fact that sections 28, 29, 30, and 32 cut against the notion of filtering as the gas passes through reactant 26.

Both Kirchoff and the present applicants recognize the distinction between a reactant 26 and a filter. The applicants describe the filter of the present invention as a structural heat sink type of material to include a metallic mesh filter. See page 4 of the present specification. Kirchoff describes his filter 22 as fine metallic mesh screen. See column 3, lines 9-10. Also see Kirchoff's description of cooling means 28 and associated section 30 in column 3, lines 23-31.

In sum, the examiner would obliterate the distinctions made by Kirchoff and of the present applicants and supplant his definition of a filter that runs counter to the definitions of record in the present specification and those found in Kirchoff. In sum, an amorphous, unrestrained powdered bed would not filter, but would react with gases as taught by Kirchoff. These distinctions are of significance and must be given the effect as described by the inventor, Kirchoff.

These structural distinctions of Kirchoff make anticipation under 35 U.S.C. 102(b) of the claims given above untenable.

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Applicants reserve the right to respond to the other positions of the examiner, but do not consider this presently necessary in view of the above remarks.

Claims 1-6, 11-12, 14-21, 27-29, and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al in view of Goetz et al (U.S. Patent No. 4,394,033). The applicants' remarks relative to 35 U.S.C. 102(b) are equally relevant here and are herein incorporated by reference in their entirety as if fully stated. Accordingly, none of the references of record describe or suggest or teach all of the limitations of record, namely that the filter abut the booster cup end surface and that the perforated disc abut the filter. As noted above, the reactant bed 26 becomes amorphous and decomposes upon inflator actuation thereby making any alleged filtration impossible. Furthermore, section 30 is a heat sink rather than a filter. Although the examiner blurs the function of these items in Kirchoff, particularly that of the reactant/pH neutralizer.26, the distinctions remain. As such, a prima facie case of obviousness has simply not been presented because all of the limitations of the claims must be present in the references, either when taken singularly or in combination.

Even further, the examiner fails to appreciate that Kirchoff does not suggest or teach alternatives to the rupturable tube. The examiner argues that it would have been obvious to replace the rupturable tube of Kirchoff with the perforated tube of Goetz to arrive at the present invention. In fact, the objects of Kirchoff's invention would not be accomplished if a perforated tube were used as provided in the present invention, and as provided by Goetz. As described at column 3, line 49 through column 4, line 4 of Kirchoff, the rupturable tube is necessary to result in a delayed or slower delivery of gases for lower impact severity crashes. Neither Kirchoff nor Goetz when taken alone or together suggest or describe the combination as claimed in the present respective claims. In essence, Kirchoff would not accomplish its objects of invention were the tube to be made perforate rather than rupturable. Accordingly, a prima facie case of obviousness is not supported, because the claimed invention is simply not suggested or motivated by the cited references, nor is there a suggestion that the resultant combination as claimed in the present claims would successfully result in the present invention with the attendant solutions.

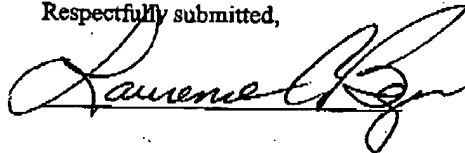
Claims 22-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. in view of Goetz et al. as applied to claim 14, and further in view of Schneider et al. The applicants also traverse these rejections for the same reasons as given above relative to Kirchoff and Goetz, the comments of which are incorporated herein in their entirety as if fully stated. Accordingly, Applicants respectfully traverse these rejections just as they traverse all rejections of record.

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In view of the above amendments and remarks, the Applicants therefore believe that all rejections of record have been overcome. The Applicants respectfully request allowance of claims 1-7 and 9-34, and passage of the present application to grant.

Respectfully submitted,



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